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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY SCOTT GRANTHAM,

Defendant and Appellant.

B270945

(Los Angeles County
Super. Ct. No. KA110425)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Thomas C. Falls, Judge. Affirmed.

Lenore De Vita, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After Anthony Scott Grantham pulled to a stop on the freeway, removed a metal level from his pickup truck and used it to strike other vehicles, he was arrested and charged in an amended information with three counts of throwing an object capable of causing great bodily injury at a vehicle or occupant (Veh. Code, § 23110, subd. (b)), five counts of aggravated assault (Pen. Code, § 245, subd. (a)) and one count each of driving under the influence of drugs (Veh. Code, § 23152, subd. (e)) and felony vandalism (Pen. Code, § 594, subd. (a)). The information specially alleged Grantham had previously suffered one prior serious or violent felony conviction within the meaning of the Three Strikes law (Pen. Code, §§ 667, subds. (b-j); 1170.12) and had served one separate prison term for a felony (Pen. Code, § 667.5, subd. (b)).

Represented by appointed counsel, Grantham pleaded not guilty and denied the special allegations. His subsequent motion to replace appointed counsel (*People v. Marsden* (1970) 2 Cal.3d 118) was heard and denied.

Appearing with appointed counsel, Grantham entered a negotiated plea of no contest orally and in writing to one count of throwing an object capable of causing great bodily injury at a vehicle or occupant. The record of the plea hearing established Grantham was advised of and waived his constitutional rights and was advised of and acknowledged he understood the consequences of his plea. Counsel stipulated to a factual basis for the plea. The trial court found Grantham had knowingly, voluntarily and intelligently waived his constitutional rights and entered his no contest plea.

Following the denial of Grantham's motion to withdraw his plea and his second motion to replace appointed counsel, the trial court sentenced him in accordance with the plea agreement to 32 months (the lower term of 16 months doubled under the Three Strikes law). The court ordered Grantham to pay statutory fines, fees and assessment and to pay restitution to five victims for the damage he caused to their vehicles. Grantham was awarded 392 days of presentence custody credits. The court dismissed the remaining counts and special allegations on the People's motion.

Grantham filed a timely notice of appeal in which he checked the preprinted box indicating, "[T]his appeal is based on the sentence or other

matters occurring after the plea that do not affect the validity of the plea.” Grantham did not seek a certificate of probable cause.¹

We appointed counsel to represent him on appeal.² After examination of the record, counsel filed an opening brief in which no issues were raised. On August 12, 2016, we advised Grantham he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

A criminal defendant who appeals following a plea of no contest or guilty without a certificate of probable cause can only challenge the denial of a motion to suppress evidence or raise issues arising after the entry of the plea that do not affect the plea’s validity. (Cal. Rules of Court, rule 8.304(b)(1).) To the extent Grantham is seeking to challenge the validity of his plea and his sentence imposed as part of his plea, his appeal is inoperative. With respect to other potential sentencing or post-plea issues that do not in substance challenge the validity of the plea itself, we have examined the record and are satisfied Grantham’s appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

¹ Grantham filed three additional notices of appeal, which were marked “received” and either “inoperative” or “duplicate” in which he sought a certificate of probable cause and was denied.

² While this appeal was pending, Grantham made a motion to recall his sentence (Pen. Code, § 1170, subd. (d)), which the trial court summarily denied.

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.